

Department of Professional and Financial Regulation Office of the Commissioner
Doug Dunbar, Assistant to the Commissioner

Sunrise Review Survey: *Oral Health Issues*
LD 1129 Resolve

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Department of Professional
& Financial Regulation

General Information

1. Dental Hygienist
2. **Support LD 550** (Permitting dental hygienists to practice independently without supervision of a licensed dentist)

Evaluation Criteria (32 M.R.S.A. § 60-J)

1. Data on group proposed for regulation.

Independent Practice of Dental Hygiene practicing under the LAWS and RULES RELATING TO THE PRACTICE OF DENTISTRY, DENTAL HYGIENE, AND DENTURISM; M.R.S.A. Title 32, Chapter 16 and Rules of the Board of Dental Examiners to practice with out supervision of a dentist

- (a) There are 1200 registered dental hygienists in the State of Maine. A guess would be that (6-10%) would practice as independent
- (b) Maine Dental Hygiene Association, American Dental Hygiene Association
- (c) I believe there are 200 active members in the state of Maine

2. Specialized skill.

Dental Hygienists practicing independently without supervision of a licensed dentist: The assurance of minimum qualifications has been met already when one becomes a licensee in the State of Maine.

M.S.R.A. Title 32, Chapter 16 and by the Rules of the Board of Dental Examiners

Department of Professional and Financial Regulation Board of Dental Examiners, Chapter 2: Rules Relating To Dental Hygienists, page 25, of LAWS and RULES RELATING TO THE PRACTICE OF DENTISTRY, DENTAL HYGIENE, AND DENTURISM

(2)

3. Threat to public health, safety, or welfare.

- a. The **welfare** of the citizens of Maine will not be provided with *optimum accessibility*, if the regulation for dental hygienists is not expanded to that of independent practice. The foundation for oral health care is preformed by the services of dental hygienists: Education, Prevention, and Therapeutic Treatment. Making the availability to access these dental hygiene services should be a given right to the citizens of Maine. Also, over time a considerable decrease in oral disease will be seen, as will the need for intervention
- b. I know of no complaints or harm done by a dental hygienist in the state of Maine

4. Voluntary and past regulatory efforts.

Unknown

5. Costs and Benefits of regulation.

The independent practice of dental hygienists would *decrease* the cost of services of oral health care because there would be greater accessibility to the citizens of Maine.

Greater Access would:

1. Make the fees for service competitive, (more practitioners more choices for the citizens)
2. Hygienist practicing where they reside could base fees according to the economics of locality

The overall economic impact would be great for the State of Maine. Proprietorship of an independent hygienist would generate the need for: office space (buy, rent, build), purchase of dental equipment, purchase of office equipment, and the employment of staff. All of which, is tax revenue for the state, as well, as revenue for small businesses. The continual need to purchase supplies (dental and office), the continual maintenance of the property (building, grounds seasonal care) all of which generates more jobs and the making of money for other businesses.

The cost to consumers would be less because of the increase to access creating competitive fees for service. The distance traveled for service less, save on fuel cost.

(3)

Also, the loss of wages to the consumer would be less, since an independent hygienist could offer the hours of service to accommodate the working consumer.

6. Service availability under regulation.

With the expanded regulation of dental hygienists practicing independently the service availability of oral health services would be increased to the public in three ways:

- a. Waiting period for an appointment would be considerably less
- b. Independent hygienist having proprietorship could chose the hours of service to accommodate the working and children during the school year
- c. Access by location, hygienist live all over the state of Maine

7. Existing laws and regulations.

Regulation of independent dental hygienist can be provided through M.R.S.A. Title 32, Chapter 16 with amendments:

Subchapter 3, §1081, 3. Definitions; persons excepted

3. Proprietor. The term proprietor, as used in this chapter, includes a person who: **D. or is a practicing independent dental hygienist**¹

Subchapter 4, §1098-D. Licensure requirements for graduates of accredited programs

3. Licensure for independent dental hygienist. For licensure, the applicant must have 3 years of clinical practice under the supervision of a dentist (s) proof by written statement by the dentist (s) or by W-2's²

¹ LAWS AND RULES RELATING TO THE PRACTICE OF DENTISTRY, DENTAL HYGIENE, AND DENTURISM; pages 5-6

² Same; page 14

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8. Method of regulation.

License to practice as an independent dental hygienist is being proposed for the reason of giving more availability for the citizens of Maine to access preventive dental care with the goal in mind to decrease dental disease. To allow the citizens access to professional oral hygiene care in a setting that is safe from infection, comfortable, in a well-equipped stationary facility; where they are treated with dignity. Also, this proposal will keep the cost down for the citizens.

9. Other states.

The state of Colorado has licensed practicing unsupervised dental hygiene, which is what would be the equivalent to the practice of independent dental hygiene.

Enclosed is a copy of THE DENTAL PRACTICE LAW OF COLORADO FOR your review. Page 7, 12-35-122.5. **What constitutes practicing unsupervised dental hygiene.** Note that under 12-35-122.5, (3) proprietorship is an integrated part of licensed dental hygienists.

10. Previous efforts to regulate.

Unknown

11. Minimal competence.

As proposed, LD 550 has met the professional standards for an independent practicing dental hygienist. Under Evaluation Criteria number 7, Existing laws and regulations, I proposed a higher standard by recommending a 3 year clinical experience under the direct supervision of a dentist before being able to be licensed to practice independent dental hygiene.

12. Financial analysis.

The licensing fee established for the level of independent dental hygiene status would pay for this regulation. The fee would be higher than the licensing of regular status dental hygiene. As should the licensure fee for the public health supervision status, which produces the most paper work for the dental board.

13. Mandated benefits.

No mandated benefits. This professional entity should be self-sustaining.

(5)

Date: July 19, 2007

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Enclosures: LAWS AND RULES RELATING TO THE PRACTICE OF DENTISTRY, DENTAL
HYGIENE, AND DENTURISM M.R.S.A. Title 32, Chapter 16 and Rules of the
Board of Dental examiners

THE DENTAL PRACTICE LAW OF COLORADO